

APPLICANTS:
Steve Hartland and
Trinity Reformed Baptist Church

BEFORE THE
ZONING HEARING EXAMINER

REQUEST: Variances to locate a permanent
institutional sign within the required
setbacks and recorded easement

FOR HARFORD COUNTY
BOARD OF APPEALS

HEARING DATE: June 21, 2006

Case No. 5537

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Steve Hartland / Trinity Reformed Baptist Church

LOCATION: 2907 Mountain Road – Land of Trinity Reformed Baptist Church, Joppa
Tax Map: 65 / Grid: 1B / Parcel: 10 / Lot: 1
First (1st) Election District

ZONING: AG / Agricultural

REQUEST: Variances, pursuant to Sections 219-17 and 219-12D of the Harford County Code, to permit an identification sign or permanent institutional sign less than one-third of the required building setback (16.66 feet allowed, 1 foot proposed), and Section 267-26C(6) to allow a sign to be located within a recorded easement in the AG District.

TESTIMONY AND EVIDENCE OF RECORD:

Steve Hartland of Trinity Reformed Baptist Church testified that the Church wishes to erect a sign on the Church's property located at 2907 Mountain Road. The property is improved by the existing Church, a drive and parking area, and by an existing storm water management facility. If the Church were to comply with the required 16.66 foot front yard setback requirement, the sign would be within the storm water management facility, and would be located directly behind a utility pole. The only feasible location for the sign is within one foot of the front property line, and for this reason the Church is requesting these variances.

The sign, which will function as an identification sign for people attempting to find and enter the Church property, would be virtually invisible if located within the storm water management facility and behind the utility pole. Accordingly, it would not serve its intended purpose.

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Next testified Ed Jolly of Signs Unlimited. Mr. Jolly explained that the sign will be 5 feet by 6 feet in size, located about 5 feet above the ground. It will be of masonry construction; it will not be lit. Mr. Jolly explained that the existing utility pole would block the view of the sign if located behind that pole. Furthermore, it cannot be located within the storm water management facility. The sign, if located where proposed, would not block the view of any passing motorist, would not cause a safety hazard, and would, in fact, be located almost 40' off the travel portion of Jaycee Drive, the road on which the Church is located.

Next testified Anthony McClune of the Harford County Department of Planning and Zoning. Mr. McClune explained that the property has an unusual configuration. While it fronts on Jaycee Drive, it has access directly off MD Route 152. However, it is impossible to place an identification sign on MD Route 152. The only location for such a sign, which Mr. McClune believes is important for identification purposes, is at the location proposed. The sign would, with the variance, be located about 40 feet from the travel portion of Jaycee Drive, and about 180 feet away from Route 152. MD Route 152 itself has a very unusual configuration at this location. The existing storm water management facility and utility pole require the sign to be located in front of the utility pole and storm water management facility which as a result requires this variance.

The Staff Report states, in more detail, that because of road frontages in the area and right-of-way widths, the parcel is very unusually shaped. Access to the lot is near the intersection of Jaycee Drive and MD Route 152. MD Route 152 is State controlled, with denied access. The area of the Applicant's property which contains existing improvements is about 10 to 20 feet above the road elevation. Without the requested variances the proposed sign would be difficult if not impossible to read. As the sign would be within the storm water management easement, approval from the Department of Public Works is required. The Department of Public Works, by letter dated March 7, 2006, expresses no opposition to the proposed location of the sign, or with the variances.

A statement from neighbors is in the file (see Attachment 13), indicating their lack of opposition to the requested variance.

APPLICABLE LAW:

Section 219-17 of the Harford County Sign Code states:

“The Board may grant a variance from the provisions of this Chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or buildings, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.”

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Section 219-12D of the Harford County Code states:

“Permanent institutional signs. Signs of a permanent nature setting for the name of places or worship, service clubs, civic organization, public or service centers, public institutions. Schools or other similar uses shall be permitted if the setback is 1/3 of the required building setback of the district. Illumination shall be in accordance with the restrictions set forth in Section 219-11. Such signs shall not exceed 54 square feet for the overall structure and shall not exceed 6 feet in overall height.”

Section 267-26C(6) of the Harford County Code states:

“No accessory use or structure, except fences, shall be located within any recorded easement area.”

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

The subject property is unusually configured with respect to both Jaycee Drive and MD Route 152, which provide the only means of access to the property. While close to, and virtually abutting MD Route 152, an entrance cannot be located off MD Route 152 because it is a controlled access highway. The entrance can only be off Jaycee Drive only a very short distance from MD Route 152. The subject property is at a somewhat higher elevation than the surrounding roadbeds, and is further impacted by a storm water management facility virtually at the existing entrance to the Church property. Further complicating the Applicant's situation is the existence of a utility pole at the confluence of both the storm water management facility, its frontage along Jaycee Drive, and the Church's entrance. This combination of factors not only support the need for an entrance sign, but also make it virtually impossible to erect one if the required setbacks were to be maintained.

The Applicant does, accordingly, suffer a unique circumstance which requires a variance to the required 16.66 foot setback requirement and to allow a sign to be constructed within a Utility Easement. While the request is for a relatively significant decrease of that setback from 16.66 foot to 1 foot, it is found that there will be no resulting impact on safety or other adverse impact and the decreased setback will not be noticeable to any passerby.

There will be no adverse impact on any adjoining property or neighbor and, in fact, the requested variance should help increase the safety of the motorists in the area by readily identifying the Church entrance.

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CONCLUSION:

It is, accordingly, recommended that the requested variances be granted, subject to the following:

1. The Applicants obtain all necessary permits and inspections for the sign.
2. The Applicants shall comply with the Department of Public Works comments contained in its letter dated March 7, 2006.

Date: July 11, 2006

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on AUGUST 8, 2006.